

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TAMMY MICHAELS WEISBERG,

Plaintiff,

-against-

05 Civ. 7478 (LAK)

GREGORY JOHN SMITH a/k/a DAVID ROBERTS,

Defendant.

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ORDER

LEWIS A. KAPLAN, *District Judge*.

Defendant moves to dismiss the second amended complaint for lack of personal jurisdiction and insufficiency of service of process.

The second amended complaint alleges that defendant is a citizen of Australia and a domiciliary of India. The certificate of service on file [docket item 28] asserts that service was made by electronic mail and by certified mail to the defendant in care of his agents in New Jersey and California.

Rule 4(f) provides a variety of means for serving individuals in foreign countries, none of which has been availed of here.

Accordingly, the defendant's motion to dismiss is granted on the ground that the service of process was insufficient. Plaintiff shall file proof of legally sufficient service within 120 days of the date of this order.

SO ORDERED.

Dated: July 26, 2006



Lewis A. Kaplan
United States District Judge